

REMARKS

This letter is in response to the Office Action of October 27, 2003.

Regarding the priority, applicant submitted a letter on March 20, 2000 in which it was indicated that a certified copy of FI 964795 was filed in the parent case, serial number 08/979,489 (filed November 28, 1997). We enclosed a copy of the transmittal and cover sheet of that certified copy filed in the parent case.

By the above amendment, we have also amended the present specification after the title to make specific reference to identify the application containing the priority papers.

Regarding the drawings, an amendment has been submitted herewith to sheet 6 to submit a new Fig. 7 where the text and lines are now dark and well defined. Withdrawal of the objection to the drawing is requested.

Regarding the specification, the words "Fig. 3" listed after the Abstract have been canceled by the above amendment to the specification.

Regarding the renumbering of the claims, the renumbering by the Examiner is noted. The renumbered claims 11-16 have been canceled and a new claim 17 added. Claim 10 remains as originally filed in the Preliminary Amendment A filed February 3, 2000 and as filed by amendment in the parent case.

Regarding the objection to claim 12, claim 12 has been canceled without prejudice.

Regarding the obviousness-type double patenting objection of claim 10, the applicant is willing to submit a terminal disclaimer with the required fee upon allowance of claim 10 in its present form along with the Issue Fee. Withdrawal of the obviousness-type double patenting objection of claim 10 is requested.

Regarding the statutory double patenting rejection of claims 11-16, claims 11-16 have been canceled, not because of the double patenting rejection but for other reasons. In other words, this amendment is made without prejudice to the right of applicant to reinstate these claims at a later time. Withdrawal of the statutory double patenting rejection of claims 11-16 is requested.

Regarding the obviousness rejection of claim 10 as being unpatentably obvious over Takefman (WO 96/15599), applicant has the following remarks.

The Examiner is referred to Fig. 4 of the present disclosure which shows a known slot 112 in the top half of the drawing while the inventive mini slot 118 is shown in the lower half of the drawing. The known slot has 64 bytes as shown in the known burst 113. The inventive 3 mini-slots 118 each comprise 21 bytes which altogether add up to 63 bytes, one byte short of the known burst 113. If, a guard byte 124 is added every third mini slot then three of the inventive mini-slots 118 can fit into the known slot 112 without creating difficulty.

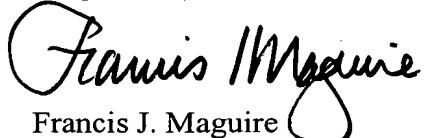
The passages pointed to by the Examiner from Takefman do not anywhere show or even suggest the claimed 3 mini slots plus a guard byte being the same as the defined slot length e.g. as the known defined slot 112.

The Examiner has not pointed to anything in particular in Takefman that would motivate one of skill in the art to provide three mini slots plus a guard byte. This is simply not present in Takefman and the USPTO is required to identify where the prior art provides a motivating suggestion to make the modification proposed *In re, Jones*, 958 F.2d 347, 21 USPQ 2d 1941 (Fed. Cir. 1992). The mere fact that the prior art may be modified as suggested by the Examiner, does not make the modification obvious unless the prior art actually suggests the desirability of the modification, *In re Fritch*, 922 F.2d 1260, 23 USPQ 2d 1780 (Fed. Cir. 1992).

Withdrawal of the obviousness rejection of claim 10 is requested.

The objections and rejections of the Office Action of October 27, 2003, having been obviated by amendment or shown to be inapplicable withdrawal therefore is requested and passage of claims 10 & 17 to allowance is requested.

Respectfully submitted,



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